

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jackie Manginelli	Team: Squad #10	CCRB Case #: 202000074	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/04/2020 7:45 PM	Location of Incident: Vicinity of Knickerbocker Avenue and Woodbine Street	Precinct: 83	18 Mo. SOL 7/4/2021	EO SOL 2/18/2022	
Date/Time CV Reported Sun, 01/05/2020 11:48 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 01/05/2020 11:48 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT William Mansour	04183	953046	083 PCT
2. POM Zakie Karimzada	13358	960745	083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Savanna Domenech	03919	960470	083 PCT
2. POM Brenton Cole	734	940016	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT William Mansour	Abuse: Sergeant William Mansour stopped the vehicle in which § 87(2)(b) was an occupant.	
B.SGT William Mansour	Force: Sergeant William Mansour pointed his gun at § 87(2)(b)	
C.SGT William Mansour	Abuse: Sergeant William Mansour searched the vehicle in which § 87(2)(b) was an occupant.	
D.SGT William Mansour	Abuse: Sergeant William Mansour frisked § 87(2)(b)	
E.SGT William Mansour	Abuse: Sergeant William Mansour searched § 87(2)(b)	
F.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada frisked § 87(2)(b)	
G.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada searched § 87(2)(b)	
H.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada searched the vehicle in which § 87(2)(b) was an occupant.	
I.SGT William Mansour	Abuse: Sergeant William Mansour failed to provide § 87(2)(b) with a business card.	
J.POM Zakie Karimzada	Abuse: Police Officer Zakie Karimzada failed to provide § 87(2)(b) with a business card.	

Case Summary

On January 5, 2020, § 87(2)(b) made the following complaint with the CCRB on the CCRB website.

On January 4, 2020, at approximately 7:45 p.m., Sergeant William Mansour and PO Zakie Karimzada, both of the 83rd Precinct, pulled over § 87(2)(b) in the vicinity of Knickerbocker Avenue and Woodbine Street in Brooklyn (**Allegation A – Abuse of Authority: Vehicle stop:** § 87(2)(g) PO Savanna Domenech and PO Brenton Cole, both of the 83rd Precinct, pulled up in front of § 87(2)(b) to assist in the stop. Sergeant Mansour got out of the police vehicle and approached the driver's side door of § 87(2)(b)'s car with his gun pointed (**Allegation B – Force: Gun pointed:** § 87(2)(g) Sergeant Mansour opened § 87(2)(b)'s driver's side door, reached into the car, unbuckled his seat belt, and removed him from the car (**Allegation C – Abuse of Authority: Vehicle search:** § 87(2)(g) Sergeant Mansour frisked and searched § 87(2)(b)'s person (**Allegation D – Abuse of Authority: Frisk:** § 87(2)(g) **Allegation E: Search of person:** § 87(2)(g) At the back of the vehicle, PO Karimzada frisked and searched § 87(2)(b) (**Allegation F – Abuse of Authority: Frisk:** § 87(2)(g) **Allegation G – Abuse of Authority: Search of person:** § 87(2)(g) Sergeant Mansour walked to the driver's side door of the car and searched the seats of the car and the center console (also **Allegation C**). PO Karimzada went into the vehicle and took out § 87(2)(b)'s registration (**Allegation H – Abuse of Authority: Vehicle search:** § 87(2)(g) Sergeant Mansour told § 87(2)(b) that he was free to go. Neither Sergeant Mansour nor PO Karimzada provided § 87(2)(b) with a business card (**Allegations I and J—Abuse of Authority: Failure to provide RTKA card:** § 87(2)(g) There were no arrests or summonses pertaining to this incident.

Body-worn camera footage was obtained from Sergeant Mansour (**Board Review 04, 08**), PO Karimzada (**Board Review 05, 09**), and PO Domenech (**Board Review 06, 07, 10**). The investigation also obtained body-worn camera footage for Lieutenant Daniel Lacalamita and PO Cecelia Wilson, both of the 83rd Precinct, § 87(2)(g) both officers arrived after the conclusion of this incident and no FADOs were captured (**Board Review 11-14**).

PO Cole is now a detective with the 83rd Precinct Detective Squad and PO Karimzada is now assigned to the Community Affairs Bureau.

Findings and Recommendations

Allegation (A) – Abuse of Authority: Sergeant William Mansour stopped the vehicle in which § 87(2)(b) was an occupant.

On January 8, 2020, § 87(2)(b) provided a brief phone statement to the CCRB that was generally consistent with his in-person statement (**Board Review 26**). § 87(2)(b) provided an in-person statement to the CCRB on February 20, 2020 (**Board Review 01**). Sergeant Mansour provided a statement to the CCRB remotely via MS Teams on November 17, 2020 (**Board Review 02**). PO Karimzada provided a statement to the CCRB remotely via MS Teams on March 12, 2021 (**Board Review 03**). § 87(2)(g)

In his sworn statement, § 87(2)(b) stated that he was working for § 87(2)(b) at the time of the incident. He was parked on the corner of Weirfield Street and Wilson Avenue, next to a fire hydrant, watching a basketball game on his phone. He did not remember if his car was on or off and he did not have his hazard lights on. An unmarked grey Ford pulled up behind him. He drove down four to five blocks on Wilson Street and made a right turn onto Madison Street. The grey Ford

followed him down the street and turned down Madison Street. § 87(2)(b) made a left onto Knickerbocker Avenue and the car continued to follow him. § 87(2)(b) approached a stop light at the intersection of Knickerbocker Avenue and Woodbine Street and waited for the light to turn green. Before the light turned green, another unmarked Ford car came down Knickerbocker Avenue, against the one-way street, and stopped in front of § 87(2)(b)'s vehicle in the crosswalk. § 87(2)(b) was unable to turn left onto Woodbine Street. Sergeant Mansour and PO Karimzada got out of the car behind him. Sergeant Mansour approached § 87(2)(b)'s driver's window and told him to put his hands out of the car. Later in the incident, the officers told § 87(2)(b) that he had black tints on his car. § 87(2)(b) had illegal tints on all four-side window and the windshield. The officers did not test the tints to see how dark they were.

Sergeant Mansour observed a vehicle driving in the vicinity of Madison Street and Wilson Avenue. The vehicle was a dark grey Acura TL, either 2010 or 2015 model, with dark tinted windows and Pennsylvania license plates. Sergeant Mansour pulled up behind the vehicle and instructed PO Karimzada to run the license plate number which was, "§ 87(2)(b)". The plate from New Year's Day started with a, "§ 87(2)(b)" and they were Pennsylvania plates. When PO Karimzada entered § 87(2)(b)'s plate, it came up with a red mark next to it in the initial search indicating that it was possibly stolen. The officers did not do a full investigation into the alert at that time because lag in the computer system was common. A few days before this incident, possibly on New Year's Day, Sergeant Mansour stopped a vehicle identical to § 87(2)(b)'s vehicle. The vehicle was a dark grey Acura TL sedan with tinted windows and Pennsylvania plates. That vehicle fled from the officers. The officers did not interact with the driver of the vehicle, so they did not know what the driver looked like. Upon seeing § 87(2)(b)'s vehicle that evening and noticing that it looked identical to the vehicle he stopped on New Year's Day, Sergeant Mansour was more suspicious that the vehicle was stolen. Sergeant Mansour called over another one of his unmarked vehicles on-duty, with PO Domenech and PO Cole to assist them. Sergeant Mansour activated his emergency lights to stop § 87(2)(b)'s vehicle. When he approached the vehicle, he could not see who was inside because the windows were so heavily tinted.

PO Karimzada's statement was generally consistent with that of Sergeant Mansour.

It was undisputed that § 87(2)(b)'s vehicle windows were illegally tinted. § 87(2)(g)

§ 87(2)(b) The investigation could not verify the officers' account of a possibly stolen vehicle alert or their account of previously observing a similar vehicle flee from them during a traffic stop.

According to Article 9, Section 375 12(b)(1-4) of the New York Vehicle and Traffic Law, no person shall operate any motor vehicle upon any public highway, road or street when the front windshield of which is composed of, covered by or treated with any material which has a light transmittance of less than 70 percent unless such materials are limited to the uppermost six inches of the windshield; or the side wings or side windows of which on either side forward or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than 70 percent; or the rear window of which is composed of, covered by or treated with any material which has a light transmittance of less than 70 percent. A rear window may have a light transmittance of less than 70 percent if the vehicle is equipped with side mirrors on both sides of the vehicle so adjusted that the driver thereof shall have a clear and full view of the road and condition of traffic behind such vehicle (**Board Review 17**).

People v. Ingle, 36 N.Y.2d 413 (1975) states that an automobile on a public highway may be stopped for a "routine traffic check" when a police officer reasonably suspects a violation of the

Vehicle and Traffic Law. Absent reasonable suspicion of a vehicle violation, a “routine traffic check” to determine whether or not a vehicle is being operated in compliance with the Vehicle and Traffic Law is permissible only when conducted according to nonarbitrary, nondiscriminatory, uniform procedures for detecting violations. The degree of suspicion is required to justify the stop is minimal, however, an officer must have a specific and articulable reason to stop a vehicle (**Board Review 18**).

§ 87(2)(g)

Allegation (B) – Force: Sergeant William Mansour pointed his gun at § 87(2)(b).

§ 87(2)(b) did not allege that any of the officers pointed their guns at him.

As discussed in more detail above under **Allegation A**, Sergeant Mansour believed that § 87(2)(b) s vehicle was possibly stolen as there was an alert for a possibly stolen vehicle when PO Karimzada searched the license plate and the vehicle’s make and color seemed to match one that fled a traffic stop a few days earlier. That prior vehicle also had Pennsylvania plates that began with the letter § 87(2)(b). Sergeant Mansour exited his vehicle and approached the driver’s side of § 87(2)(b) s vehicle with his gun pointed for his safety and that of the other officers. Sergeant Mansour believed there could be firearms inside a vehicle that was potentially stolen. The vehicle was heavily tinted, and he could not see if there was anyone else in the vehicle or any dangers such as firearms. In the past, officers have been shot through tinted windows of vehicles.

PO Karimzada’s statement was generally consistent with that of Sergeant Mansour.

Sergeant Mansour’s body-worn camera footage captured this portion of the incident in its entirety (**Board Review 04, 08**). The video has a time stamp that reads, 2020/01/04, 19:46:09. At 00:18 in the recording, Sergeant Mansour is in a police vehicle with PO Karimzada and the emergency lights are activated. At 00:26, Sergeant Mansour gets out of the police vehicle and walks towards a grey vehicle that is stopped in front of him. At 00:30, he draws and points his gun while yelling, “Let me see your hands!” § 87(2)(b) sitting in the driver’s seat of the car, puts both of his hands out of the car. At 00:33, Sergeant Mansour attempts to open the back left-hand passenger door. He tells § 87(2)(b) to get out of the car. His gun is no longer seen for the remainder of the body-worn camera footage. At 01:52, Sergeant Mansour says, “This is definitely the same car.” PO Karimzada asks if § 87(2)(b) s brake lights were flashing and Sergeant Mansour says that they were. PO Karimzada says, “§ 87(2)(b) and then points to § 87(2)(b) s car and says, “That is § 87(2)(b) Sergeant Mansour asks what § 87(2)(b) s name is and PO Karimzada says that his name is § 87(2)(b) Mercedes § 87(2)(b). At 02:22, Sergeant Mansour asks if it comes back to him. They speak back and forth on whether the car is 2014 or 2017 model. At 02:31, PO Karimzada says, “It’s two different license plates.” At 02:33, Sergeant Mansour says that he knows that. At 02:39, he says, “Well that’s expired, look at this guy.” Sergeant Mansour walks to the front of § 87(2)(b) s car and checks the VIN number. At 03:24, he says, “Nah it’s not it, this one is registered.” At 04:22, Sergeant Mansour says, “It was close, but it was not.”

Sergeant Mansour’s body-worn camera video was played for Sergeant Mansour starting at the

01:45 minute mark until 02:50. Sergeant Mansour thought that when PO Karimzada was talking about, “Two different license plates,” he was talking about the vehicle that fled the scene on New Year’s Day in relation to § 87(2)(b)’s plates. The plate from New Year’s Day started with a, “§ 87(2)(b)” and they were Pennsylvania plates. They entered § 87(2)(b)’s plate initially and it came up with a red mark indicating it was possibly stolen. They did not do a full investigation until after § 87(2)(b) was removed from his vehicle due to a lag in the computer system, which was common. Sergeant Mansour did not remember what was expired but believed it could have been § 87(2)(b)’s registration or his insurance. When they were talking about a “2014 model vs. a 2017 model,” they were talking about the comparison of the two cars again. The cars still looked identical.

A warrant check from troopers indicated that one warrant check was done for § 87(2)(b)’s license plate number, “§ 87(2)(b)” at approximately 7:41 p.m. (**Board Review 19**). Another warrant check from troopers indicated that four warrant checks were done on § 87(2)(b)’s license and one warrant check on his registration at approximately 7:50 p.m. (**Board Review 15**). A warrant audit from IAB in-house indicated that PO Karimzada ran a warrant check on § 87(2)(b)’s name and date of birth on his phone at approximately the same time (**Board Review 16**). Additionally, a warrant check from troopers for license plate number “§ 87(2)(b)” for the vehicle that Sergeant Mansour and PO Karimzada stopped prior to this incident, indicated that three warrant checks were done on this plate number at approximately 7:52 p.m. (**Board Review 27**).

It was undisputed that Sergeant Mansour pointed his gun at § 87(2)(b). The investigation was unable to confirm the officers’ account of the preliminary alert for a potentially stolen vehicle or their accounts of a vehicle resembling § 87(2)(b)’s fleeing a vehicle stop a few days prior.

Patrol Guide Procedure 221-01 states that drawing a firearm prematurely or unnecessarily limits a uniformed member’s options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable (**Board Review 28**).

§ 87(2)(g)
[REDACTED]

Allegation (C) – Abuse of Authority: Sergeant William Mansour searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) – Abuse of Authority: Sergeant William Mansour frisked § 87(2)(b).

Allegation (E) – Abuse of Authority: Sergeant William Mansour searched § 87(2)(b).

Allegation (F) – Abuse of Authority: Police Officer Zakie Karimzada frisked § 87(2)(b).

Allegation (G) – Abuse of Authority: Police Officer Zakie Karimzada searched § 87(2)(b).

Allegation (H) – Abuse of Authority: Police Officer Zakie Karimzada searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) stated that Sergeant Mansour opened the driver's door to his car, reached into his car, and unbuckled his seatbelt. § 87(2)(b) then stepped out of the vehicle while Sergeant Mansour guided him by his upper coat. Sergeant Mansour pat him down. § 87(2)(b) was wearing Nike sweatpants, and a black coat. Sergeant Mansour possibly went into his upper-right hand coat pocket where his key was located. Later in the incident, Sergeant Mansour and PO Karimzada searched § 87(2)(b)'s car in the front seats and the front console. They did not open and search the trunk of the car. § 87(2)(b) knew that they searched the front part of his car because his belongings were moved around. § 87(2)(b) did not mention that PO Karimzada patted him down.

Sergeant Mansour asked § 87(2)(b) to exit the vehicle and he did not comply immediately. He opened the driver's side door of the vehicle and asked § 87(2)(b) to exit the vehicle again. He did not comply again and remained seated in the car. Sergeant Mansour holstered his firearm, put his hands-on § 87(2)(b)'s chest, and guided him out of the vehicle. Once § 87(2)(b) was out of the vehicle and the car door was open, Sergeant Mansour smelled a strong odor of marijuana coming from the vehicle. Mostly the vehicle, not § 87(2)(b) smelled of marijuana. He did not know where in the car the odor was coming from nor did he remember if it smelled fresh or burnt. He did not see any smoke coming from the car. Sergeant Mansour frisked § 87(2)(b) to make sure that he did not have any weapons on his person. He pat-down § 87(2)(b) on his back, waistband area, his front, back, and legs. Sergeant Mansour did not notice any bulges or discover any weapons on his person. He did not go into any of § 87(2)(b)'s pockets. He told PO Karimzada to search the vehicle because of the smell of marijuana. PO Karimzada searched both the front and back seat areas of the vehicle, but Sergeant Mansour was unsure if PO Karimzada went into the center console or the glove compartment. Sergeant Mansour looked inside the vehicle because § 87(2)(b) said that his ID was inside of the vehicle.

PO Karimzada thought that § 87(2)(b)'s car smelled of marijuana. He did not recall if the smell of marijuana was coming from § 87(2)(b)'s person or from the entirety of the vehicle. He did not recall if any marijuana was recovered. He did not remember patting-down or searching § 87(2)(b)'s person. He did not recall if he and Sergeant Mansour searched the vehicle.

Sergeant Mansour's body-worn camera footage captured this portion of the incident in its entirety (**Board Review 04, 08**). At 00:40, Sergeant Mansour opens the driver's door of the car, grabs § 87(2)(b) with both hands on his chest, and guides him out of the car. § 87(2)(b) steps out and is guided against the side of his vehicle. At 00:46, Sergeant Mansour begins patting down § 87(2)(b). Sergeant Mansour asked § 87(2)(b) if he has any weapons on him. § 87(2)(b) says that he did not. At 00:48, he lifts § 87(2)(b)'s shirt and continues to pat him down. § 87(2)(b) turns around and Sergeant Mansour unzips his coat. Sergeant Mansour asks him if he has ID and if this is his car. He replies that he has ID and that this is his car. Sergeant Mansour asks if he has any marijuana in the car and then tells him to step to the back of the car. At approximately 3:24 PO Karimzada enters § 87(2)(b)'s car.

PO Domenech's second BWC (**Board Review 10**) captures PO Karimzada patting down § 87(2)(b) and opening his jacket at the beginning of the video.

It was undisputed that Sergeant Mansour reached into § 87(2)(b)'s vehicle and unbuckled his seatbelt. It was undisputed that Sergeant Mansour pat-down and searched § 87(2)(b)'s person.

§ 87(2)(g)

People v. Chestnut, 43 A.D.2d 260 (1974) found that the smell of marijuana smoke, with nothing more, can be sufficient to provide police officers with probable cause to search an automobile and its occupants (**Board Review 20**).

§ 87(2)(g)

Allegation I – Abuse of Authority: Sergeant William Mansour failed to provide § 87(2)(b) with a business card.

Allegation J – Abuse of Authority: Police Officer Zakie Karimzada failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) stated that he did not receive business cards from Sergeant Mansour or PO Karimzada.

Sergeant Mansour did not provide § 87(2)(b) with a business card because he ran out of business cards and § 87(2)(b) did not ask for one. In the past if he ran out of business cards, he would have a civilian follow him back to the stationhouse to get a business card or would offer to write it down. The officers did not do that for this incident. Sergeant Mansour did not think that the other officers offered him a business card. Officers must provide a business card upon request and during investigative encounters with a vehicle stop.

PO Karimzada did not recall if he or any other officer provided § 87(2)(b) with a business card. PO Karimzada thought that it was required to provide an individual with a business card at the conclusion of a car stop.

It was undisputed that Sergeant Mansour and PO Karimzada frisked and searched § 87(2)(b)'s person and his vehicle. It was undisputed that § 87(2)(b) did not receive a business card from any of the officers from this incident.

§ 87(2)(g)

According to the Right to Know Act as defined in Section 14-174 of the New York City Administrative Code, an officer must offer a business card to someone at the conclusion of any law enforcement activity defined under the act, including frisks and search of persons or property including vehicles, that does not result in an arrest or summons (**Board Review 21**).

According to NYPD Patrol Guide Procedure 203-09, an officer must provide a business card for a

law enforcement activity, including frisks and searches of persons or property including vehicles (**Board Review 22**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint that § 87(2)(b) has been party to (**Board Review 23**).
- Sergeant Mansour has been a member of service for eight years and this is the ninth CCRB complaint and 26th allegation for which he has been a subject. § 87(2)(g)
- PO Karimzada has been a member of service for five years and this is the seventh CCRB complaint and 24th allegation for which he has been a subject. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Office and will be added to the case file upon receipt (**Board Review 24**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 10

Investigator:	<u>Jackie Manginelli</u>	<u>Inv. Jackie Manginelli</u>	<u>05/05/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Eric Rigie</u>	<u>IM Eric Rigie</u>	<u>5/10/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date